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PATENT
ATTORNEY DOCKET NO.: 040894-7174-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yasushi IWATA et al.

Application No.: 10/522,811

Filed: October 28, 2005

For: ULTRA-LOW CARBON STAINLESS STEEL

)
) Confirmation No.: 4726
)
) Group Art Unit: 1793
)
) Examiner: Deborah Yee
)
) Mail Stop AF

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Commissioner of Patents
U.S. Patent and Trademark Office
Alexandria, VA 22314

Sir:

**NOTICE OF APPEAL TO THE BOARD OF
PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Final
Office Action dated May 20, 2008, finally rejecting claims 1 and 3.

11/20/2008 AWONDAF1 00000091 500310 10522011
01 FC:1401 540.00 DA
02 FC:1253 990.00 DA

1. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants request an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 130.00	\$ 65.00
<input type="checkbox"/> two months	\$ 490.00	\$ 245.00
<input checked="" type="checkbox"/> three months	\$ 1,110.00	\$ 555.00
<input type="checkbox"/> four months	\$ 1,730.00	\$ 865.00

☒ An extension for one-month has already been secured and the fee paid of \$120.00 is deducted from the total fee due for the total months of extension now requested.

Please charge Deposit Account No. 50-0310 in the amount of \$990.00.

If an additional extension of time is required, please consider this a Petition therefor.

2. Notice of Appeal Fee - 37 C.F.R. § 41.20(b)(1)

☒ The Commissioner is authorized to charge the appeal fee of \$540.00 to Deposit Account No. 50-0310.

3. Fee Payment

☒ The Commissioner is authorized to charge Deposit Account No. 50-0310 the amount of \$1530.00 (adjusted extension of time fee and Notice of Appeal fee).

4. Constructive Petition



Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 

David E. Connor

Reg. No. 59,868

Dated: November 19, 2008

CUSTOMER NO. 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, NW

Washington, D.C. 20004

Tel.: (202) 739-3000

Fax: (202) 739-3001